

JUN 10 2005

PTO/SB/31 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 CFR 1.191)**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on 6/8/2005

Signature Rebecca A. Baumann

Typed or printed name Rebecca A. Baumann

Docket Number (Optional)

NTI-030

In re Application of James K. Falbo et al.

Appn. No 10/040,055 Filed 12/31/2001

For "Shape-Based Geometry Engine To Perform. . ."

Art Unit 2825 Examiner Yelena Rossoshek

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) **\$500.00**

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: **\$**

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0574. I have enclosed a duplicate copy of this sheet

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

applicant/inventor

assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

attorney or agent of record. Registration number 35,537.

  
Jeanette S. Harms, Esq.

Date: June 8, 2005

Telephone No. (408) 451-5907  
Customer No.: 29477

\*Total of forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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06/13/2005 MAHMED1 0000003 500574 10040055

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JUN 10 2005

PTO/SB/21 (09-04)

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# TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

2

Attorney Docket Number

10/040,055

12/31/2001

First Named Inventor

James K. Falbo et al.

Art Unit

2825

Examiner Name

Yelena Rossochek

Total Number of Pages in This Submission

2

Attorney Docket Number

NTI-030

## ENCLOSURES (check all that apply)

Fee Transmittal Form  
 Fee Attached  
 Amendment / Reply  
 After Final  
 Affidavits/declaration(s)  
 Extension of Time Request  
 Express Abandonment Request  
 Information Disclosure Statement  
 Certified Copy of Priority Document(s)  
 Reply to Missing Parts/Incomplete Application  
 Reply to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)  
 Terminal Disclaimer  
 Petition  
 Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation Change of Correspondence Address  
 Statement Under 37 CFR 3.73(b)  
 CD, Number of CD(s) \_\_\_\_\_  
 Request for Refund

After Allowance Communication to TC  
 Appeal Communication to Board of Appeals and Interferences  
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  
 Proprietary Information  
 Status Letter  
 Other Enclosure(s) (please identify below):

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## Remarks

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name	BEVER, HOFFMAN & HARMS, LLP	Customer Number	29477
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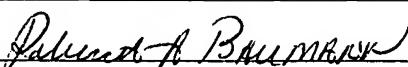
Signature	
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Printed Name	Jeanette S. Harms
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Date	June 8, 2005	Reg. No.	35,537
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Signature	
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Typed or printed name	Rebecca A. Baumann	Date	June 8, 2005
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